

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

LEONID REDKO,

Plaintiff,

-against-

RADIOSHACK CORPORATION, ET AL.,

Defendants.

U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
CLERK'S OFFICE

CLERK'S OFFICE

MEMORANDUM AND ORDER

**ADOPTING THE REPORT
AND RECOMMENDATION**

12-cv-1131 (SLT) (RML)

TOWNES, United States District Judge:

On March 8, 2012, Leonid Redko ("Plaintiff"), currently proceeding *pro se*, filed federal and state claims against his employer, Radioshack Corporation ("Radioshack"), and two of its employees, Martha Delgado and Anthony Estrada, asserting that he faced discrimination because of his Russian ancestry and Jewish faith and because he is Caucasian. On May 14, 2012, Radioshack filed its answer. It does not appear that Delgado or Estrada were ever served.

On July 16, 2012, Magistrate Judge Robert M. Levy held an initial conference, at which he set a discovery deadline of December 14, 2012. That deadline was later extended to February 14, 2013. (Dkt. Entry, December 3, 2012 Order.)

On January 8, 2013, Plaintiff's counsel moved to withdraw, advising the court that Plaintiff had ceased all communication and had not responded to the motion to withdraw, despite being served a copy. (Report and Recommendation at 1.) On May 29, 2013, Judge Levy issued an order granting counsel's motion to withdraw, scheduling a conference for June 12, 2013, and directing Plaintiff to attend to "advise whether he intends to continue this litigation and, if so, whether he has retained counsel." (Dkt. Entry, May 29, 2013 Order.) Plaintiff failed to appear for the June 12, 2013 hearing and did not otherwise contact the court. As a result,

Judge Levy scheduled an additional conference for July 19, 2013 and instructed Plaintiff that his failure to appear would result in a recommendation that his case be dismissed for failure to prosecute. (Dkt. Entry, June 12, 2013 Order.) Notwithstanding the court's explicit warning, Plaintiff again failed to appear.

In light of the fact that Plaintiff had failed to appear for both scheduled conferences, and had not otherwise communicated with the court or Radioshack's counsel, on July 22, 2013, Judge Levy issued a report and recommendation, recommending that Plaintiff's case be dismissed for lack of prosecution (the "R&R"). The R&R advised the parties that any objections needed to be filed within fourteen business days. To date, none of the parties has filed any objections.

A district court is not required to review the factual or legal conclusions of the magistrate judge as to those portions of a report and recommendation to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 150 (1985). Nonetheless, when no objections are filed, many courts seek to satisfy themselves "that there is no clear error on the face of the record." Fed. R. Civ. P. 72(b) advisory committee note (1983 Addition); *see also Edwards v. Town of Huntington*, 2007 WL 2027913, at *2 (E.D.N.Y. July 11, 2007). Accordingly, this court has reviewed the R&R for clear error on the face of the record. The court finds no clear error, and therefore adopts the R&R in its entirety as the opinion of the court pursuant to 28 U.S.C. § 636(b) (1).

CONCLUSION

For the reasons set forth above, the R&R [21] is hereby ADOPTED in its entirety. The Clerk of Court is respectfully directed to close this case.

SO ORDERED.

/s/(SLT)


SANDRA L. TOWNES
United States District Judge

Dated: *September 20*, 2013
Brooklyn, New York